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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/723,541 | 11/26/2003 | Thomas Jack McKenzie | | 9742 |

7590 01/24/2006

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| EXAMINER |
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BETTS JR, ROGER D

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| ART UNIT | PAPER NUMBER |
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1723

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/723,541

Applicant(s)

MCKENZIE, THOMAS JACK

Examiner

Roger D. Betts Jr.

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1-6 are objected to since only the first word in each claim should be capitalized.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 1, 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear whether the Fluid Filter Holder, comprises a suction pipe connected through a pump to a fluid spraying nozzle is an intended use in combination with the a plurality of first ribs running in a first direction and defining a chamber an a plurality of second ribs running transverse to the said first ribs to reinforce (claim 1). Furthermore, claim 4 also fails to structurally support the invention, it is unclear whether fluid filter holder should be connected through a pump to a fluid spraying nozzle or if these statement is intended use (claim 4). Claim 5 fails to structurally support the invention, it is unclear whether the fluid filter holder comprises a suction pipe connected through a pump to a fluid spraying nozzle or having a chamber base formed by radial convergence vertical ribs into horizontal ribs that connect to a center support (claim 5). For examination purposes, the claim 1 will be examined based on a fluid filter holder comprising a plurality of first ribs running in a first direction and defining a chamber and a plurality of second ribs running transverse to the said first ribs. Regarding Claim 4, it is unclear what structure is meant to be encompassed by the limitation describing the holder as being 'configured to resist gravity forces'. For examination purposes, such is considered to be the transversely arranged ribs."

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Claim 5 will be examined based on a fluid filter holder having a chamber base formed by radial convergence vertical ribs into horizontal ribs that connect to a center support

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 and 3-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Sukun (U.S. Patent No. 5,858,234). In view of Claim 1 and 3, Sukun (234) discloses a filter receptacle comprising a plurality of first ribs running in a first direction and a plurality of second ribs running transverse to said first ribs defining a chamber (Fig. 1). Sukun (234) discloses a chamber base formed by radial convergence vertical ribs into horizontal ribs that connect to a center support that forms a resting support (Fig. 2; Col. 3, 12-23) (claims 5-6).

4. Claim 1, 3-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Marangi (U.S. Patent No. 6,488,846). In view of Claim 1 and 3-4, Marangi (846) discloses a filter receptacle comprising a plurality of first ribs running in a first direction and a plurality of second ribs running transverse to said first ribs defining a chamber (Fig. 6B) comprising a suction pipe (Fig. 6A, #12).

Claim Rejections - 35 USC § 103

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claim 2 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Sukun (U.S. Patent No. 5,858,234) in view of McKenzie (U.S. Patent No. 5,468,383). Sukun (234) discloses a filter receptacle comprising a plurality of first ribs running in a first direction and a plurality of second ribs running transverse to said first ribs defining a chamber (Fig. 1). Sukun (234) discloses a chamber base formed by radial convergence vertical ribs into horizontal ribs that connect to a center support that forms a resting support (Fig. 2; Col. 3, 12-23) (claims 5-6). However, Sukun (234) fails to disclose an upper expandable rib portion. McKenzie (383) discloses an expandable rib (Fig. 2, #20). It would have been obvious to one of ordinary skill in the art at the time of the invention to manufacture Sukun (234) in view of the teachings of McKenzie (383), since Sukun (234) is concerned with his invention being used with multiple hose sizes (Col. 1, 65-67). McKenzie (383) allows for the insertion of a filter of varying sizes into the filter holder. (Col. 2, 56-60)


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger D. Betts Jr. whose telephone number is (571) 272-8153. The examiner can normally be reached on Monday-Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available

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through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TERRY K. CECIL
PRIMARY EXAMINER

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